



The State Bar of California

A.5. Action Summary
07-26-19 Meeting
Open Session

Committee on Professional Responsibility and Conduct
Friday, June 7, 2019
10:00 am – 4:30 pm

State Bar Office – San Francisco
180 Howard Street, Room 4D-E
San Francisco, CA 94105

Members Present: Ms. Bomse (Chair), Ms. Basner, Prof. Bundy, Mr. Carr, Mr. Deitz, Mr. Dilworth, Mr. Fields, Mr. Hodel, Ms. Inlender, Mr. Koss, Ms. Roche, Ms. Schmid, Mr. Solomon, Dr. Sparta, and Mr. Whitney.

Not Present: Ms. Lee

Others Present: Ms. Marlaud, and Mr. Tuft (State Bar staff)

The order of business is approximate and subject to change.

To Join by Conference Call
Toll-Free Dial-In Number: 1-855-520-7605
Conference Code: 800-238-4427#

ACTION SUMMARY

A. Remarks From the Chair

1. Roll Call
2. Public Comment
None.
3. Announcements
Ms. Bomse reported that the Symposium will be held tomorrow, April 12, 2019 in Los Angeles.
4. Staff Report
Mr. Tuft reported that: (1) 12-0003 public comment deadline was May, 14, 2019. Three public comments were received; (2) 14-0003 public comment deadline was June 3, 2019. No public comments were received; (3) 13-0003 has a public comment deadline of June 17, 2019 and four public comments have been received thus far; (4) 16-0003 is currently circulating for public comment and has a deadline of August 30, 2019. No public comments received thus far; (5) the Task Force on Access Through Innovation in Legal Services next meets on June 28, 2019 where they will be voting on several options for consideration to be circulated for public comment. The options are being presented with the goal of increasing access to legal services while also protecting the public; and, (6) the Committee has voted out several opinions for formal publication and/or public comment. As a result, we should consider new opinion topics at the next meeting.

5. Approval of Open Session Action Summary from the April 11, 2019 Meeting as amended
The Action Summary was approved unanimously (14-0-0).

B. Discussion of Draft Opinions Previously Circulated for Public Comment

1. 14-0004 [re Witness Perjury]
Mr. Hodel gave an oral report and presented a revised opinion. Following discussion by the Committee, the Committee approved the opinion for an additional 60-day public comment circulation.
2. 12-0003 [re Attorney Directory and Rating Websites]
Mr. Dilworth gave an oral report and presented a revised opinion. Following discussion by the Committee, the Committee approved the opinion for an additional 45-day public comment circulation.
3. 14-0003 [re Settling Before Withdrawal]
Ms. Bomse gave an oral report and presented a revised opinion. Following discussion by the Committee, the Committee approved the opinion for publication.

C. Discussion and Possible Approval for Public Comment of Draft Opinions Not Yet Released for Public Comment

1. 13-0002 [re Attorney with a Vulnerable Client]
This item was not discussed.
2. 13-0004 [re Collecting Unpaid Fees]
This item was not discussed.
3. 14-0001 [re Colleague Impairment]
This item was not discussed. This item will be discussed at the next meeting.
4. 14-0002 [re Alternative Litigation Funding]
Ms. Bomse presented a revised opinion and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a revised opinion in accordance with the Committee's discussion. This item will be discussed at the next meeting.
5. 16-0002 [re Lost or Stolen Laptop or Briefcase]
Mr. Solomon presented a revised opinion and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a revised opinion in accordance with the Committee's discussion. This item will be discussed at the next meeting.
6. 17-0001 [re Advising a Marijuana Business]
Mr. Bundy presented a revised opinion and gave an oral report. Following discussion by the Committee, the Committee approved the opinion for a 90-day public comment circulation.

7. 17-0003 [re Duty of Confidentiality to Prospective Client]
Mr. Whitney presented a revised opinion and gave an oral report. Following discussion by the Committee, the drafting team was asked to prepare a revised opinion in accordance with the Committee's discussion. This item will be discussed at the next meeting.

D. Oral Report on Opinions Currently Circulating for Public Comment

1. 13-0003 [re Ethical Obligations When Departing Firm]
This item is circulating for public comment with a deadline of June 17, 2019.
2. 16-0003 [re Ancillary Business]
This item is circulating for public comment with a deadline of August 30, 2019.

E. Special Projects

1. Outreach Working Group Report
This item was not discussed.
2. AB 1987 Working Group Report
Mr. Bundy gave an oral report on AB 1987. Following discussion by the Committee, Mr. Bundy and Mr. Hodel were asked to prepare a revised memo in accordance with the Committee's discussion.

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The notice and agenda is available at: <http://board.calbar.ca.gov/Committees.aspx>.